UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,144	09/18/2003	Bradley Berman	KING.001C1	8213

7590 07/14/2006

Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER	
KIM, ANDREW	

ART UNIT	PAPER NUMBER
3712	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

e

Office Action Summary	Application No.	Applicant(s)	
	10/666,144	BERMAN, BRADLEY	
	Examiner	Art Unit	
	Andrew Kim	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/18/03*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/1/05, 4/5/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-54 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,709,331. An obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but an examined application claim is not patentably distinct from the reference claim(s) because the examined claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-54 falls within the scope of the method and system for aggregate play

recited in claims 1-31 of U.S. Patent No. 6,709,331. That is, claims 1-54 is obvious over claims 1-31 of U.S. Patent No. 6,709,331.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 11-26, 29, 30, 40, 41, 43, 45-50, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Giobbi et al. (US 6,203,428).

Giobbi discloses a gaming machine for playing multiple games substantially at the same time. The gaming machine includes a plurality of game boards arranged in a stack and displayed on a screen. A number of game boards to be played in the stack is selectable by the player.

Claim 1: Giobbi discloses

- receiving a player-initiated request for aggregate play. *See fig. 1, 2; col. 3:66-4:20, 4:56-65.*
- receiving an indication of a number of gaming activity sets for inclusion in the aggregate play, wherein each of the gaming activity sets comprises one or more discrete game plays provided by the gaming activity; *See fig. 1, 2; col. 3:66-4:20, 4:56-65.*
- generating a gaming outcome for each of the gaming activity sets indicated for inclusion in the aggregate play; *See col. 3:27-36, 7:20-31, 8:31-55.*
- providing a collective payout result accounting for all of the gaming outcomes associated with the aggregate play. *See fig. 1:80; 3:54-65, 6:27-32, 7:60-64.* Specifically, Giobbi discloses a paid window (fig. 1, 80) showing the number of credits won in the last game.

Claim 2: Giobbi discloses initiating an aggregate play mode upon receipt of the player-initiated request for aggregate play. *See col. 3:66-4:20; 4:56-65.*

Claims 3 and 4: Giobbi discloses receiving an indication of a number of gaming activity sets for inclusion in the aggregate play (col. 3:66-67) but fails to explicitly disclose calculating a number of the gaming activity sets available for aggregate play based on an expenditure of an accumulated credit total. The limitation "based on an expenditure of an accumulated credit total" has been interpreted as how many credits can one use from the accumulated credit total. However, it would be inherent to check how many credits the player has available before wagering. Otherwise, the player could bet money that the player does not have and it would diminish casino profits.

Claims 5 and 6: Giobbi discloses receiving an indication of a number of gaming activity sets for inclusion in the aggregate play comprises receiving a player-initiated indication of the number of gaming activity sets to be included in the aggregate play via a user interface. *See col. 3:66-4:20; 4:56-65.*

Claims 7 and 8: Giobbi discloses receiving an indication of a number of gaming activity sets for inclusion in the aggregate play comprises receiving a predetermined number of gaming activity sets to be included in the aggregate play. *See col. 3:66-4:20; 4:56-65.*

Claim 11: Giobbi discloses facilitating player selection of the number of gaming activity sets desired to be aggregately played, and generating the indication of the number of gaming activity sets desired to be aggregately played. *See fig. 1:82, 2; col. 4:56-65.*

Claim 12: Giobbi discloses presenting information relating to one or more of the gaming activity sets associated with the aggregate play. *See fig. 1; col. 5:16-45. 7:33-44.*

Claim 13: Giobbi discloses presenting information relating to one or more of the gaming activity sets comprises providing a representation of the one or more gaming activity sets. *See fig. 1; col. 5:16-45. 7:33-44.*

Claim 14: Giobbi discloses presenting a representation includes presenting a visual representation of the one or more gaming activity sets on a display. *See fig. 1; col. 5:16-45. 7:33-44.*

Claim 15: Giobbi discloses presenting, prior to providing the collective payout result, the visual representation of the gaming activity sets that resulted in winning gaming outcomes. *See fig. 1; col. 3:54-65, 5:16-45. 7:33-44.* Specifically, Giobbi discloses a paid window (fig. 1, 80) showing the number of credits won in the last game and winning game boards (fig. 1, 99) are indicated to the player by having the winning game boards pop-up from the stack in a cash-register-like fashion such that the face of a winning game board is more visible than if the same game board did not have a winning game outcome.

Claim 16: Giobbi discloses presenting information comprises presenting gaming activity summary information for selected ones of the gaming activity sets, wherein the summary information includes a value corresponding to the gaming outcomes for each of the selected gaming activity sets. *See fig. 5; 8:47-61.*

Claim 17: Giobbi discloses presenting a selectable list of the gaming activity sets associated with the aggregate play, and wherein presenting information comprises presenting the information relating to one or more of the gaming activity sets selected by the player from the selectable list. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 18: Giobbi discloses presenting the information relating to one or more of the gaming activity sets selected by the player from the selectable list comprises providing a visual representation of the selected gaming activity sets on a display. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 19: Giobbi discloses more than one of the selected gaming activity sets are visually represented concurrently on the display. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 20: Giobbi discloses at least some of the selected gaming activity sets are visually represented individually and in sequence on the display. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 21: Giobbi discloses presenting information relating to one or more of the gaming activity sets comprises presenting information relating to the gaming activity sets that resulted in winning gaming outcomes. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 22: Giobbi discloses presenting the information relating to one or more of the gaming activity sets requested by the player to be presented. *See fig. 1, 2, 5; col. 5:16-45, 7:32-44, 8:51-61.*

Claim 23: Giobbi discloses receiving player-selected play attributes that identify one or more options associated with play of the gaming activity sets. *See fig. 2; col. 3:66-4:65.*

Claim 24: Giobbi discloses each gaming activity set comprises a plurality of discrete game plays provided by the gaming activity. See col. 3:16-65. The plurality of discrete game plays the draw and hold actions of draw poker.

Claim 25: Giobbi discloses each gaming activity set comprises a single discrete game play. See col. 6:33-7:13. The single discrete game play may be interpreted as a single bingo board which is simply a winning board or a losing board.

Claim 26: Giobbi discloses providing a collective payout result accounting for all of the gaming outcomes associated with the aggregate play comprises modifying an accumulated credit total based on all of the gaming outcomes. *See fig. 1:76, 80; 3:54-65, 6:27-32; 7:60-64.* Specifically, Giobbi discloses a paid window (fig. 1, 80) showing the number of credits won in the last game and a credit window (fig. 1, 76) showing the number of credits available for play, which has accumulated from the previous games.

Claim 29: Giobbi discloses receiving an indication of a number of gaming activity sets for inclusion in the aggregate play comprises receiving an indication of less than a maximum number of the gaming activity sets supportable by an accumulated credit total. It would be inherent that if the wager is accepted by the gaming system, the system has previously verified that the wager is less than or equal to the maximum number of gaming activity sets supportable by the accumulated credit total.

Claim 30: Giobbi discloses a method comprising:

- receiving a player-initiated request for aggregate play; *See fig. 1, 2; col. 3:66-4:20, 4:56-65.*
- receiving an indication of a number of slot game events for inclusion in the aggregate play, wherein each of the slot game events comprises one or more

active paylines presented via the slot machine; *See fig. 1, 2; col. 3:66-4:20, 4:56-65.*

- generating a gaming outcome for each of the slot game events indicated for inclusion in the aggregate play; *See col. 3:27-36, 7:20-31, 8:31-55.*

- providing a collective payout result accounting for all of the outcomes associated with the aggregate play. *See fig. 1:80; 6:27-32, 7:60-64.* Specifically, Giobbi discloses a paid window (fig. 1, 80) showing the number of credits won in the last game.

Claim 40: Giobbi discloses

- a user interface to allow a user to initiate an aggregate play mode, and to designate a number of gaming activity sets for inclusion in the aggregate play, wherein each of the gaming activity sets comprises one or more discrete game plays provided by the gaming activity; *See fig. 1, 2.*

- a random number generation module configured to randomly generate an individual payout result for each of the gaming activity sets included in the aggregate play; *See col. 3:27-36, 7:20-31, 8:31-55.*

- a processor configured to compute a collective payout result based on all of the individual payout results associated with the aggregate play. *See fig. 1, 3; 3:54-65, 6:10-32, 7:60-64.* Specifically, Giobbi discloses a paid window (fig. 1, 80) showing the number of credits won in the last game.

Claim 41: Giobbi discloses a display device, and wherein the processor is further configured to present the collective payout result to the user via the display device. *See fig. 1, 3; 6:10-32, 7:60-64.*

Claim 43: Giobbi discloses the random number generation module comprises a random number generator configured to generate the individual payout results for each of the gaming activity sets included in the aggregate play in series. *See col. 3:27-36, 7:20-31, 8:31-55.*

Claim 45: Giobbi discloses the casino gaming apparatus comprises a slot machine, and wherein the random number generation module generates slot symbol combinations from which the individual payout results are derived. *See fig. 1; col. 3:16-33, 6:33-35, 8:62-9:5.* More specifically, the slot machine is a poker game and it is implicit that, in common with the bingo and keno embodiments, that the symbol combinations are generated by a random number generator.

Claim 46: Giobbi discloses the casino gaming apparatus comprises a video keno machine, and wherein the random number generation module generates number combinations from which the individual payout results are derived. *See fig. 5; col. 7:65-8:50.*

Claim 47: Giobbi discloses the casino gaming apparatus comprises a video poker machine, and wherein the random number generation module generates poker hands, based on predetermined draw/hold rules, from which the individual payout results are derived. *See fig. 1; col. 3:16-33, 6:33-35, 8:62-9:5.* More specifically, the slot

machine is a poker game and it is implicit that, in common with the bingo and keno embodiments, that the symbol combinations are generated by a random number generator.

Claim 48: Giobbi discloses the casino gaming apparatus comprises a video bingo machine, and wherein the random number generation module generates bingo numbers from which the individual payout results are derived. *See col. 6:33-7:14.*

Claim 49: Giobbi discloses the casino gaming apparatus comprises a chance-based gaming machine, and wherein the random number generation module generates random numbers used in the chance-based game from which the individual payout results are derived. *See col. 6:8-51.*

Claims 50 and 52: Giobbi discloses a gaming participant participates in a gaming activity, comprising:

- participating in the gaming activity in a standard mode wherein at least some gaming activity events associated with the gaming activity are conducted in succession, and wherein each of the gaming activity events comprises one or more discrete game plays provided by way of the gaming activity; *See fig. 1, 2; col. 3:66-4:20, 4:56-65; 6:27-32, 7:60-64.*

- accumulating a total number of credits; *See fig. 1, 2; col. 3:66-4:20, 4:56-65; 6:27-32, 7:60-64.*

- initiating a speed play mode to participate in a plurality of the gaming activity events concurrently; *See fig. 1, 2; col. 3:66-4:20, 4:56-65; 5:29-45, 6:27-32, 7:60-64.* Specifically, Giobbi discloses a speed button that may eliminate the pause between presentation of game boards and how much each won.

- designating a number of the plurality of the gaming activity events desired for concurrent participation, wherein a number of credits commensurate with the designated number of gaming activity events is allocated to the concurrent participation; *See fig. 1, 2; col. 3:66-4:20, 4:56-65; 6:27-32, 7:60-64.*

- collecting a combined payout based on individual payouts of each of the plurality of the gaming activity events subject to the concurrent participation. *See fig. 1, 2; col. 3:66-4:20, 4:56-65; 5:29-45, 6:27-32, 7:60-64.* More specifically, a player can choose the number of games. Hence, the player can choose to successively play one game at time or initiate a "speed mode" wherein a plurality of games are played simultaneously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 27, 28, 31-39, 53, and 54 are rejected under 35 U.S.C. 103(a) as being obvious over Giobbi et al. (US 6,203,428) in view of Holch (US 5,800,269).

Claims 27, 31: Giobbi teaches receiving an indication of a number of gaming activity sets for inclusion in the aggregate play but does not explicitly teach receiving an indication of a maximum number of the gaming activity sets supportable by an accumulated credit total. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of Holch.

Holch discloses an analogous gaming device wherein the device tracks a player's account to ensure sufficient funds are available to cover a selected wager. *See col. 1:8-10, 1:34-67.* Based on a player's game choices the system calculates whether

the credit total in the player's account has sufficient credits available to cover the wager. *See fig. 5b:522-528; col. 7:17-36.* Hence, Holch generally discloses performing a calculation to determine if the number of gaming activities is supportable by the player's credit total. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant invention to modify Giobbi with receiving an indication of a maximum number of gaming activity sets supportable as taught by Holch to provide a gaming system to determine whether the number of gaming activity sets selected by the player is supportable by the available credit total to prevent games from starting without sufficient funding, which would diminish casino profits.

Claim 28: Giobbi as modified by Holch teaches determining the maximum number of gaming activity sets supportable by the accumulated total but does not explicitly teach dividing the accumulated credit total by the number of credits required for each of the gaming activity sets.

Holch does not describe performing the calculation by dividing the credit total by the number of credits required for each of the gaming activity events. Nonetheless, one of ordinary skill in the art would implicitly posses a knowledge of basic mathematics and thereby posses the skill to calculate whether one number is larger than another. Consequently, it would be obvious to one of ordinary skill in the art that one could calculate whether one number is greater than another equivalently by either subtraction or division. Hence, in this case, it would be obvious to one of ordinary skill to calculate whether the number of gaming activities is supportable by the player's credit total by

dividing the available credit total by the number of credits required and determining if the result is greater than one.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giobbi, wherein players may select a plurality of games for aggregate play, to add the features of calculating a number of gaming activity events supportable by the credit total wherein the calculation comprises dividing the credit total by the number of credits required for each of the gaming activity events. As desirably taught by Holch, the modification would allow a gaming system to determine whether the number of gaming activities selected by the player is supportable by the available credit total to prevent games from starting with deficient funding.

Claims 32, 33, 34, 39, 53, and 54: As discussed above in the rejection of claim 31, Giobbi as modified by Holch teaches the invention as claimed.

- receiving a player-initiated request for aggregate play; *See fig. 1, 2; col. 3:66-4:20, 4:56-65.*
- receiving an accumulated credit quantity for inclusion in the aggregate play; (claim 31)
- determining a number of gaming activity sets supportable by the received credit quantity, wherein each of the gaming activity sets comprises one or more discrete game plays provided by the gaming activity; (claim 31)
- generating a gaming outcome for each of the gaming activity sets supportable by the received credit quantity; and (claim 31)

- providing a collective payout result accounting for all of the generated gaming outcomes. *See fig. 1:80; 6:27-32, 7:60-64.*

Claim 35. The method as in claim 32, wherein receiving an accumulated credit quantity comprises receiving all remaining credit accumulation. It would be inherent to receive all remaining credit accumulation if the wagering amount is equal to the player's remaining credit accumulation.

Claim 36. The method as in claim 32, wherein receiving an accumulated credit quantity comprises receiving less than all remaining credit accumulation. It would be inherent to receive less than all remaining credit accumulation if the wagering amount is less than the player's remaining credit accumulation.

Claim 37. The method as in claim 32, further comprising presenting information relating to one or more of the gaming activity sets associated with the aggregate play. *See fig. 1; col. 5:16-45. 7:33-44.*

Claim 38. The method as in claim 32, further comprising receiving player-selected play attributes that identify one or more options associated with play of the gaming activity sets. *See fig. 2; col. 3:66-4:65.*

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being obvious over Giobbi et al. (US 6,203,428) in view of Yoseloff (US 6,312,334).

Claims 9 and 10: Giobbi teaches all the features of the instant claims except receiving a predetermined number of gaming activity events in response to initiation of a

bonus round for inclusion in aggregate play. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to one of ordinary skill in the art at the time of the instant invention in view of Yoseloff.

Yoseloff discloses an analogous gaming system wherein a player may advance to a bonus round. *See col. 2:62-4:19.* In response to the initiation of the bonus round, the player may be awarded non-monetary rewards such a free-plays for use in the primary game. *See col. 6:1-44.*

In view of Yoseloff, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giobbi, wherein players may select a plurality of games for aggregate play, to add the feature of receiving a predetermined number of gaming activity events in response to initiation of a bonus round for inclusion in aggregate play to enhance a player's interest by offering free plays in order to increase the amount of time spent by player's at the gaming device and thereby increasing the operator's revenues.

Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi et al. (US 6,203,428) in view of Vincze (US 6,369,727 B1).

Claims 42 and 44: Giobbi teaches all the features of the instant claims except the random number generation module comprises a programmed portion of the processor. Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of Vincze.

Vincze discloses a system for packaging a plurality of random number generators (RNG) comprised of a programmed portion of a processor wherein the RNG are coupled to operate in parallel and configured to concurrently generate random outputs. *See fig. 1, 15, 16; col. 5:24-45.* The reference suggests system may be used in all application that utilize random number sequences, such as games, to meet increased demand for random numbers. *See col.1:15-41, 5:31-34.*

In view of Vincze, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giobbi, wherein a large number of random outcomes are generated in an aggregate game system, to add the features of a RNG module comprises a programmed portion of the processor. As suggested by Vincze, the motivation would meet increased demand for random numbers in a game device and thereby provide faster game results. *See col.1:15-41, 5:31-34.*

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi et al. (US 6,203,428) in view of Holmes, Jr. et al., (US 6,220,959 B1).

Claim 51: The features taught by Giobbi listed above. Notably the system allows a player to selectively choose the number of credits wagered on each gaming activity. *See fig. 2.* The reference teaches all the features of the instant claims except wherein the discrete game plays comprise paylines.

Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of Holmes.

Holmes discloses an analogous gaming device for playing a poker-type game by generating random outcome combinations for multiple paylines wherein each payline represents an individual payout result. *See fig. 1.* The player wagers credits to activate one or more payline that he wishes to be eligible for a win. *See col. 4:18-31.* Hence, the number of paylines activated are activated proportially the amount of credits wagered by a player.

In view of *Holmes*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giobbi, wherein players may select the number of credits wagered on each of a plurality of games in aggregate play poker game, to add the features of including multiple paylines generating a like number of activity outcomes and generating a random number set for each of the multiple-payline gaming activity events comprises generating a random number combination for each of the multiple paylines in order to provide the corresponding individual payout result. As suggested by Holmes, modifying traditional poker machines by allowing and encouraging players to increase the credits wagered on each hand increases the operator's revenue. *See col. 2:24-35.* Furthermore, it increased players' attraction to the device by offering an exciting game with many chances to win.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 7/10/2006

JOHN M. HOTALING, II
PRIMARY EXAMINER